

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 18, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1814

Introduced by Senator Torlakson

February 24, 2006

~~An act to amend Section 17072.35 of the Education Code, and to amend Section 21157 of the Public Resources Code, relating to environmental quality, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1814, as amended, Torlakson. CEQA: schools.

(1) The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect on the environment. CEQA authorizes a master environmental impact report to be prepared for specified projects. CEQA defines terms and provides some exemptions from its requirements for specific projects.

This bill would include, as a project for which a master environmental impact report may be prepared, a plan for district projects to be undertaken by a school district, that also complies with applicable school facilities requirements. By imposing new duties on a lead agency, to determine whether a project is subject to these provisions, the bill would impose a state-mandated local program.

~~(2) Under existing law, the Leroy F. Greene School Facilities Act of 1998, a school district is authorized to use a grant for new construction on specified costs necessary to adequately house new pupils in an approved project. Existing law provides that grants for new construction are funded by the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, or the 2004 State School Facilities Fund, which are continuously appropriated funds.~~

~~This bill would authorize a school district to use a grant for new construction for costs incurred in complying with CEQA and for contribution to a habitat mitigation bank that is identified in an environmental review for a schoolsite, thereby making an appropriation by changing the purposes for which a continuous appropriation may be used.~~

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(4) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 17072.35 of the Education Code is~~
 2 ~~amended to read:~~
 3 ~~17072.35. (a) A grant for new construction may be used for~~
 4 ~~any and all costs necessary to adequately house new pupils in any~~
 5 ~~approved project, and those costs may only include the cost of~~
 6 ~~design, engineering, testing, inspection, plan checking,~~
 7 ~~construction management, site acquisition and development,~~

1 including all costs for compliance with the California
2 Environmental Quality Act (Division 13 (commencing with
3 Section 21000) of the Public Resources Code), evaluation and
4 response action costs relating to hazardous substances at a new or
5 existing schoolsite, demolition, construction, acquisition and
6 installation of portable classrooms, landscaping, necessary utility
7 costs, utility connections and other fees, equipment including
8 telecommunication equipment to increase school security,
9 furnishings, and the upgrading of electrical systems or the wiring
10 or cabling of classrooms in order to accommodate educational
11 technology. A grant for new construction may also be used to
12 acquire an existing government or privately owned building, or a
13 privately financed school building, and for the necessary costs of
14 converting the government or privately owned building for
15 public school use, and for contribution to a habitat mitigation
16 bank, as identified in an environmental review prepared for the
17 schoolsite pursuant to the California Environmental Quality Act
18 (Division 13 (commencing with Section 21000) of the Public
19 Resources Code). A grant for new construction may also be used
20 for the costs of designs and materials that promote the efficient
21 use of energy and water, the maximum use of natural lighting
22 and indoor air quality, the use of recycled materials and materials
23 that emit a minimum of toxic substances, the use of acoustics
24 conducive to teaching and learning, and other characteristics of
25 high performance schools.

26 (b) This section shall be operative only if the voters approve
27 the Kindergarten-University Public Education Facilities Bond
28 Act of 2006, at the November 7, 2006, statewide general
29 election.

30 SEC. 2. Section 17072.35 of the Education Code is amended
31 to read:

32 17072.35. (a) A grant for new construction may be used for
33 any and all costs necessary to adequately house new pupils in any
34 approved project, and those costs may only include the cost of
35 design, engineering, testing, inspection, plan checking,
36 construction management, site acquisition and development,
37 including all costs for compliance with the California
38 Environmental Quality Act (Division 13 (commencing with
39 Section 21000) of the Public Resources Code), evaluation and
40 response action costs relating to hazardous substances at a new or

1 existing schoolsite, demolition, construction, acquisition and
2 installation of portable classrooms, landscaping, necessary utility
3 costs, utility connections and other fees, equipment including
4 telecommunication equipment to increase school security,
5 furnishings, and the upgrading of electrical systems or the wiring
6 or cabling of classrooms in order to accommodate educational
7 technology. A grant for new construction may also be used to
8 acquire an existing government or privately owned building, or a
9 privately financed school building, for the necessary costs of
10 converting the government or privately owned building for
11 public school use, and for contribution to a habitat mitigation
12 bank, as identified in an environmental review prepared for the
13 schoolsite pursuant to the California Environmental Quality Act
14 (Division 13 (commencing with Section 21000) of the Public
15 Resources Code).

16 (b) This section shall be operative only if the voters do not
17 approve the Kindergarten-University Public Education Facilities
18 Bond Act of 2006, at the November 7, 2006, statewide general
19 election.

20 ~~SEC. 3.~~

21 *SECTION 1.* Section 21157 of the Public Resources Code is
22 amended to read:

23 21157. (a) A master environmental impact report may be
24 prepared for any one of the following projects:

25 (1) A general plan, element, general plan amendment, or
26 specific plan.

27 (2) A project that consists of smaller individual projects that
28 will be carried out in phases.

29 (3) A rule or regulation that will be implemented by
30 subsequent projects.

31 (4) A project that will be carried out or approved pursuant to a
32 development agreement.

33 (5) A public or private project that will be carried out or
34 approved pursuant to, or in furtherance of, a redevelopment plan.

35 (6) A state highway project or mass transit project that will be
36 subject to multiple stages of review or approval.

37 (7) A regional transportation plan or congestion management
38 plan.

1 (8) A plan proposed by a local agency for the reuse of a
2 federal military base or reservation that has been closed or that is
3 proposed for closure.

4 (9) Regulations adopted by the Fish and Game Commission
5 for the regulation of hunting and fishing.

6 (10) A plan for district projects to be undertaken by a school
7 district, that also complies with applicable school facilities
8 requirements, including, but not limited to, the requirements of
9 Chapter 12.5 (commencing with Section 17070.10) of Part 10 of,
10 and Article 1 (commencing with Section 17210) of Chapter 1 of
11 Part 10.5 of, Division 1 of Title 1 of the Education Code.

12 (b) When a lead agency prepares a master environmental
13 impact report, the document shall include all of the following:

14 (1) A detailed statement as required by Section 21100.

15 (2) A description of anticipated subsequent projects that would
16 be within the scope of the master environmental impact report,
17 that contains sufficient information with regard to the kind, size,
18 intensity, and location of the subsequent projects, including, but
19 not limited to, all of the following:

20 (A) The specific type of project anticipated to be undertaken.

21 (B) The maximum and minimum intensity of any anticipated
22 subsequent project, such as the number of residences in a
23 residential development, and, with regard to a public works
24 facility, its anticipated capacity and service area.

25 (C) The anticipated location and alternative locations for any
26 development projects.

27 (D) A capital outlay or capital improvement program, or other
28 scheduling or implementing device that governs the submission
29 and approval of subsequent projects.

30 (3) A description of potential impacts of anticipated
31 subsequent projects for which there is not sufficient information
32 reasonably available to support a full assessment of potential
33 impacts in the master environmental impact report. This
34 description shall not be construed as a limitation on the impacts
35 which may be considered in a focused environmental impact
36 report.

37 (c) Lead agencies may develop and implement a fee program
38 in accordance with applicable provisions of law to generate the
39 revenue necessary to prepare a master environmental impact
40 report.

1 ~~SEC. 4.~~

2 ~~SEC. 2.~~ No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of
7 Section 17556 of the Government Code.

8 ~~SEC. 5.~~ ~~This act is an urgency statute necessary for the~~
9 ~~immediate preservation of the public peace, health, or safety~~
10 ~~within the meaning of Article IV of the Constitution and shall go~~
11 ~~into immediate effect. The facts constituting the necessity are:~~

12 ~~In order to protect the environment and public health at the~~
13 ~~earliest possible time, it is necessary for this act to take effect~~
14 ~~immediately.~~